

United States
Circuit Court of Appeals
For the Ninth Circuit.

W. B. PAINE, Trustee in Bankruptcy of the Estate
of WISHKAH LOGGING COMPANY, a
Corporation, Bankrupt,

Petitioner,

vs.

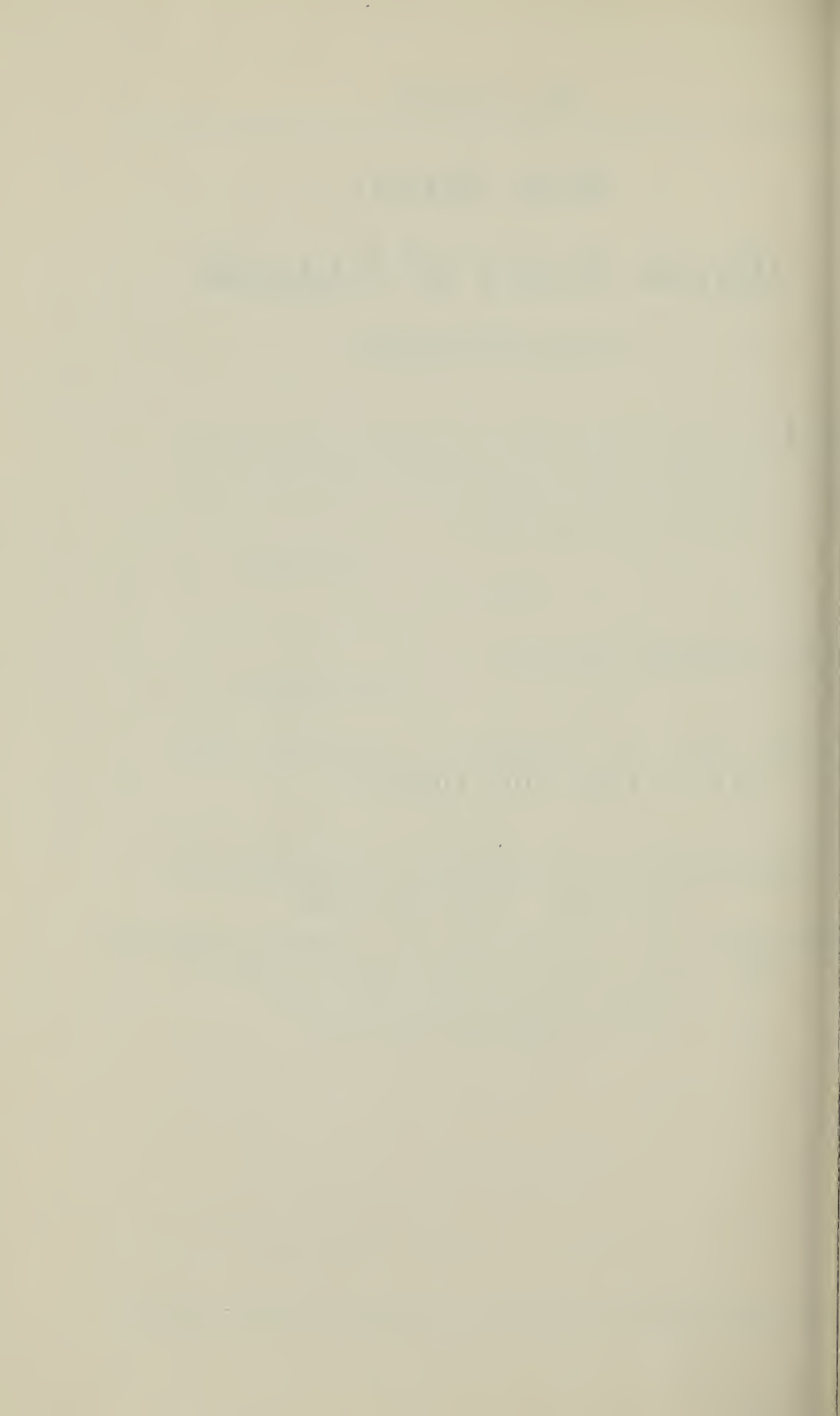
F. R. ARCHER, Receiver,

Respondent.

In the Matter of WISHKAH LOGGING COM-
PANY, a Corporation, Bankrupt.

**TRANSCRIPT OF RECORD IN SUPPORT OF
PETITION FOR REVISION**

Under Section 24b of the Bankruptcy Act of Congress, Approved
July 1, 1898, to Revise, in Matter of Law, an Order of
the United States District Court for the
Western District of Washington,
Southern Division.



Names and Addresses of Attorneys.

G. R. SNIDER, Esquire, Attorney, Aberdeen,
Washington,

Attorney for Trustee and Petition herein.

AUSTIN M. WADE, Esquire, Attorney, Aberdeen,
Washington,

Attorney for F. R. Archer, Receiver in the State
Court.

*In the United States District Court for the Western
District of Washington, Southern Division.*

No. 1699.

In Re WISHKAH LOGGING COMPANY, a Cor-
poration, Bankrupt.

Praeceptum for Transcript.

To the Clerk of the Above-entitled Court:

You will please prepare copies of the following
to constitute the transcript of the record on review
in the above-entitled matter, omitting therefrom all
captions, indorsements, acceptances of service, veri-
fications and file-marks:

1. Proof of claim of F. R. Archer, Receiver of
the State Court, without any attached judgment or
orders.

2. Claim of Chehalis County for taxes without
bills and statements.

3. Report of trustee and petition for payment of
cost of administration and attorneys' fees.

4. Order of referee approved by the Court disbursing funds.

5. Referee's certificate.

G. R. SNIDER,
Attorney for Petitioner. [1]

Proof of Claim (of F. R. Archer).

United States of America,
County of Chehalis,
State of Washington,—ss.

At Aberdeen in said State on the 1st day of April, A. D. 1915, came F. R. Archer of Aberdeen in the County of Chehalis and State of Washington, and made oath and says:

That the above-named bankrupt, the person by or against whom a petition for adjudication of bankruptcy has been filed was at and before the filing of said petition, and is still justly and truly indebted to him in the sum of \$256.20 *dollars* with interest from April 1st, 1915, at 6 per cent per annum; that the nature and consideration of said debt is as follows: A judgment of the Superior Court as per exhibit "A" attached filed herewith and made part hereof (or promissory notes, originals of which are filed herewith and made part hereof). That no part of said debt has been paid; that there are no set-offs or counterclaims to the same, and that claimant has not, nor has any person by his order, or to the knowledge or belief of said deponent, for claimant's use, had or received any manner of security for said debt whatever. That a judgment has been rendered

on said debt and is preferred.

F. R. ARCHER.

Subscribed and sworn to before me this 1st day of April, 1915.

[Seal]

AUSTIN M. WADE,

Notary Public in and for the State of Washington,
Residing at Aberdeen.

Power of Attorney.

To A. M. Wade.

The undersigned creditor of the above-named bankrupt, hereby authorizes you, to attend any and all meetings of creditors of the bankrupt aforesaid for and in the name of the [2] undersigned, to vote for or against any proposal or resolution that may be then submitted under the acts of Congress relating to bankruptcy; and in the choice of trustee or trustees of the *of the* estate of said bankrupt; and for the undersigned to assent to such appointment of trustees; also to accept any composition proposed by said bankrupt in satisfaction of his debts, and to receive payment of dividends, and of money due the undersigned under any composition; and for any other purpose whatsoever in the interest of the undersigned, with full power of substitution.

In Witness Whereof, the undersigned has hereunto signed his name and affixed his seal the 1st day of April, A. D. 1915.

F. R. ARCHER.

State of Washington,
County of Chehalis,—ss.

Before me, on the date below mentioned, came

F. R. Archer personally known to me to be the person who executed the foregoing power of attorney, who acknowledged said execution, and who upon his oath, says that he executed the same on his own behalf.

Sworn to and subscribed before me this 1st day of April, A. D. 1915.

[Seal] AUSTIN M. WADE,
Notary Public in and for the State of Washington,
Residing at Aberdeen.

(Filed Apr. 1, 1915.) [3]

Proof of Claim [of Chehalis County for Taxes].

United States of America,
County of Grays Harbor,
State of Washington,
District of Washington,—ss.

At Aberdeen in said District and State on the 16th day of July, A. D. 1915, came J. E. Stewart of Aberdeen, in the County of Grays Harbor and State of Washington, and made oath and says:

That he is treasurer of the, a corporation, incorporated by and under the laws of the State of, and carrying on business at, in the County of, and State of, and that he is duly authorized to make this proof.

That he is one of the firm of consisting of himself and of in the County of and State of

That he is the attorney (or authorized agent) of Grays Harbor County, in the County of Grays Harbor and State of Washington.

That the above-named bankrupt, the person by or

against whom a petition for adjudication of bankruptcy has been filed, was at and before the filing of said petition, and is still justly and truly indebted to Grays Harbor County in the sum of \$499.15 dollars, with interest from 19.., at .. per cent per annum; that the nature and consideration of said debt is as follows: Taxes. That no part of said debt has been paid; that there are no offsets or counterclaims to the same, and that claimant has not, nor has any person by his order, or to the knowledge or belief of said deponent, for claimant's use, had or received any manner of security for said debt [4] whatever. That no judgment has been rendered on said debt nor has any notice been received for such account; that said claim constitutes a lien against the property of the above estate and claimant is entitled to priority of payment.

J. E. STEWART.

Subscribed and sworn to before me this 16th day of July, 1915.

[Seal]

W. H. TUCKER,

Notary Public in and for the State of Washington,
Residing at Aberdeen.

(Marked "Preferred #1.")

(Attached to this are bills and statements.) [5]

Petition for Payment of Fees.

Comes now W. B. Paine, the duly appointed, qualified and acting trustee in the above-entitled matter and represents to the Court as follows:

I.

That there is coming to his hands as such trustee,

the sum of \$300 and no more, and that there are no other moneys or assets belonging to said estate or which will come into said estate or into the hands of said trustee.

II.

That since the adjudication of bankruptcy, and up to the present time, G. R. Snider, the attorney for the trustee, has performed valuable services for your petitioner, all as particularly set out in the subjoined affidavit of said G. R. Snider.

WHEREFORE, your petitioner prays for an order of court directing him to pay out of the funds now in his hands, the cost of administration and an attorney's fee equal to the amount remaining in the hands of your trustee after the payment of other costs of administration.

W. B. PAINE,
Trustee.

State of Washington,
County of Chehalis,—ss.

G. R. Snider, being first duly sworn on oath says that he is now and has been attorney for W. B. Paine, trustee of the Wishkah Logging Company, Bankrupt, since the appointment of W. B. Paine as such trustee and that as such attorney he has had charge of all the affairs of the bankrupt and has personally administered said estate with the consent and approval of said trustee. That upon direction of this Court affiant prepared and made a special appearance in the Superior Court of Washington for Chehalis County in the case of Anthony Semion vs. Big Creek Driving [6] Company et al., and

argued the matter to the said Court on two different occasions and obtained a favorable ruling, which ruling effected the discharge of the receiver appointed in said action and vested in the trustee all the assets of Wishkah Logging Company. That as attorney for said trustee affiant answered and contested the foreclosure of three mortgages by Hayes & Hayes, bankers, in an action in the Superior Court of Washington for Chehalis County entitled Hayes & Hayes, Bankers, vs. Wishkah Logging Company et al. That affiant raised all questions which had been previously raised by the receiver of said company, which were many and involved and spent a great deal of time in preparation for the trial of said action; that said action was tried in said court and consumed a day; that upon said trial a decree of foreclosure was entered. That in said action affiant also disputed and contested a claim of lien by the Big Creek Driving Company in the sum of \$10,500 and in its decision thereon the Court allowed a lien in the sum of \$300.

That the assets of said bankrupt consist of the sum of \$300 in cash, which sum was received on the sale of certain personal property, and that said sum together with a claim of \$40 for an overpayment of the Federal Corporation Tax is all the money or property coming into the hands of said trustee and that there are no other assets. That certain fees in the Superior Court have been paid therefrom, office rent and publishers fees, filing fees in the above-entitled court and an attorney's fee to the attorney for the petitioning creditors have been paid and that

after the payment of all necessary expenses there will remain less than \$200; that said sum will not fully recompense affiant for his services and that said sum is a very reasonable [7] one to be allowed therefor; that the indebtedness of said bankrupt is about \$160,000 which is represented by a very large number of claims and that any payment or dividend made from the assets above set out would be but a few cents upon each claim; that the principal creditor, Hayes & Hayes, bankers, is willing that the remaining sum be set aside to affiant as an attorney's fee.

G. R. SNIDER.

Subscribed and sworn to before me this 26th day of March, 1915.

[Seal]

R. E. TAGGART,

Notary Public for the State of Washington, Residing at Aberdeen.

(Filed March 26, 1915.) [8]

Order [of Referee Approved by the Court Disbursing Funds].

The above matter coming on to be heard upon the application of counsel for F. R. Archer, for an order distributing and paying to the said F. R. Archer out of the funds now in the hands of the trustee of the said bankrupt estate, the sum of \$256.20, as per his claim made and filed herein, and in accordance with the opinion of the District Court made and entered in said cause, and it appearing to the satisfaction of the Court that the said application should be granted;

NOW, THEREFORE, in consideration of the premises and in conformity with the said opinion of the said District Court, it is ORDERED AND ADJUDGED that the said trustee of the said bankrupt estate, W. B. Paine, be, and he is hereby ordered and directed to pay to the said F. R. Archer, upon his claim made and filed herein against the said bankrupt estate, the sum of \$256.20, out of the money in the hands of the said trustee, belonging to the said estate.

Dated this the 31st day of July, 1915.

W. H. TUCKER.

The above order is approved, and let payment be made as therein directed.

Dated this the 25th day of Oct., 1915.

EDWARD E. CUSHMAN,

Judge.

(Filed Oct. 25, 1915.) [9]

Referee's Certificate.

This is to certify, That the following items were allowed by me as expense and costs of administration:

Trustee's fees	\$ 18.00
Hogan & Graham, Attorneys, filing fee	25.00
Hogan & Graham, Attorneys, fee, filing petition	50.00
Aberdeen World, publication.....	15.00
Appearance fee, Superior Court...	6.00
Stenographic fees.....	2.00
Referee's fees	19.10

G. R. Snider, Attorney's fee for	
Trustee	139.90
Coats Fordney Co., office rent.....	25.00

Total.....\$300.00

That the said sums allowed exhaust all of the funds in the hands of the Trustee.

W. H. TUCKER,
Referee in Bankruptcy. [10]

**[Certificate of Clerk U. S. District Court to
Transcript of Record.]**

United States of America,
Western District of Washington,—ss.

I, Frank L. Crosby, Clerk of the United States District Court for the Western District of Washington, do hereby certify and return, that the foregoing pages numbered from 1 to 10 inclusive, contain a full, true and correct transcript of proceedings and record in the case of Wishkah Logging Company, a corporation, Bankrupt, No. 1699, pending in this court, as required by the praecipe of counsel filed in said cause, as the originals thereof appear on file in this office at the City of Tacoma, in the District aforesaid.

I further certify that I hereto attach and herewith transmit the original order to show cause.

I further certify that the following is a full, true and correct statement of all expenses, costs, fees, and charges incurred and paid into my office, by and on behalf of the petitioner herein, for making the rec-

ord certificate and return to the United States Circuit Court of Appeals, for the Ninth Circuit, in the above-entitled cause, to wit:

Clerk's fees (Sec. 828 R. S. U. S.) for making record, certificate and return, folios @ 15¢ ea.	2.55
Clerk's certificate to transcript, 3 folios @ 15¢ ea.45
Seal to said certificate.20

Attest my hand and the seal of the United States District Court for the Western District of Washington, at Tacoma, this sixth day of November, A. D. 1915.

[Seal]

FRANK L. CROSBY,
Clerk.

By E. C. Ellington,
Deputy Clerk.

*In the United States District Court, Western District
of Washington, Southern Division.*

IN BANKRUPTCY—No. 1699.

In the Matter of WISHKAH LOGGING COM-
PANY, a Corporation,

Bankrupt.

**Order [Directing That Order of District Court be
Revised in Matter of Law, etc.].**

WHEREAS, application has been made for revision in matter of law by the Circuit Court of Appeals of the Ninth Circuit of the United States of the order entered herein on the 25th day of October, 1915, and the Court being satisfied that the question there de-

terminated is one of which revision may be asked as provided in Section 24-B of the Bankruptcy Law of 1898, and that the application should be granted.

On motion of G. R. Snider, Esq., attorney for the petitioner, it is ordered:

That the order of this Court made and entered herein on the 25th day of October, 1915, be revised in matter of law by the Circuit Court of Appeals of the Ninth Circuit of the United States as provided by Section 24-B of the Bankruptcy Law of 1898, and the rules and practice of that court.

That the clerk within 30 days from this date prepare, at the expense of the petitioner, a certified copy of such order and of the records of this case pertinent to such order, and file the same with the clerk of such Circuit Court of Appeals.

WITNESS the Hon. EDWARD CUSHMAN, judge of said court, and the seal thereof, at the city of Tacoma in said district, on the 28th day of October, 1915.

[Seal]

FRANK L. CROSBY,

Clerk.

By E. C. Ellington,

Deputy.

[Endorsed]: Filed in the U. S. District Court, Western Dist. of Washington, Southern Division. Oct. 28, 1915. Frank L. Crosby, Clerk. By F. M. Harshberger, Deputy.

[Endorsed]: No. 2676 United States Circuit Court of Appeals for the Ninth Circuit. W. B. Paine, Trustee in Bankruptcy of the Estate of Wishkah Logging Company, a Corporation, Bankrupt, Petitioner, vs. F. R. Archer, Receiver, Respondent. In the Matter of Wishkah Logging Company, a Corporation, Bankrupt. Transcript of Record in Support of Petition for Revision Under Section 24b of the Bankruptcy Act of Congress, Approved July 1, 1898, to Revise in Matter of Law, an Order of the United States District Court for the Western District of Washington, Southern Division.

Filed November 22, 1915.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer.

Deputy Clerk.

